

City Council of the Mayor and Council of New Castle
Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle
Tuesday – June 14, 2011 – 7 p.m.

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Also present: Mayor Reese, Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Solicitor Daniel Losco, Master Sgt. Bernard Torre

Approval of Minutes by Date

A motion was made by Councilperson Cochran to approve the minutes of May 3, May 10, May 24 and May 26. Councilperson Petty seconded the motion.

President Barthel made one correction to the minutes: The committee which reviewed and made recommendations to the City Council on City Code chapters 140 and 141 had the following members: Beverly Ross, chair; Dave Ross; Jim Whisman; and John Lloyd. Vera Worthy served briefly on the committee, attending the first meeting.

The minutes were approved unanimously as amended

Approval of Treasurer's Report

Treasurer Carlin reported that, as of May 31, 2011, total petty cash on hand, \$1,100; monthly deposit, \$85,353.05; total in checking and savings accounts, \$387,814.56; total certificates of deposit, money market and Delaware Government Investment Pool, \$1,453,559.69; total cash on hand, \$1,841,374.25.

Councilperson Cochran made a motion to accept the report. Councilperson Gaworski seconded the motion. The motion passed unanimously.

Report from the City Administrator

City Administrator Thomas pointed to the great job by the Separation Day Committee. She also reminded everyone that the Council is continuing work on the fiscal 2012 budget. Her written report was provided to Council.

President Barthel said staff reports were accepted as submitted.

Grant Review

Councilperson Cochran provided the review. Grant income: American Lung Association, \$3,300; Separation Day, \$1,500; SLEAF Funds, \$810; and Trustees of New Castle Common, \$5,000.

Business from the Mayor

Mayor Reese expressed thanks to the Separation Day Committee, the Courthouse people, MSC and the City. It was a great day. All the people came together through Mikki DiEmidio. He did a presentation to the New Castle Sailing Club on Saturday. He said it is a great thing for the City. He also said thanks to all

the City workers and the City Council who were involved with a resident, Mrs. Alberta Ponzo. All of her concerns have been taken care of.

Business form the Council President

President Barthel said he was requested by Michael Heyman to read a letter into the record: “Mr. Council President, as more people hear about the over-reaching plan to transform the face of Battery Park, the more people oppose it. I’m sure citizens would support a much more limited plan, one that includes rehabilitating the wharf so the Kalmar Nyckel and some small boats can dock there. Rehabilitating wetlands is another worthy goal, but to transform the heart of Battery Park solely to attract hordes of tourist dollars like the self-serving plan the business interests on the Historic New Castle Alliance have drawn up cannot be tolerated. I call on City Council to appoint an ad-hoc committee of residents to formulate a plan to rejuvenate our Battery Park in order to attract some tourism, and more importantly to the benefit of all residents of our town. To give it credibility, this committee should be chaired by someone who took no part in drawing up the over-reaching plan that has become much too divisive to the community. The Historic New Castle Alliance, which does not come close to representing a cross-section of residents, should have one person, no more, on this committee.”

New Business

1. Discussion of Basketball Courts located in Bull Hill Park.

Councilperson Petty said last month she received a call from Chris Castagno who wanted to know what could be done about the basketball court. He indicated he had a complaint but did not have details. She walked around the area and canvassed some of the people in the area. It is a small court. She could not find anyone with any complaint about it.

Councilperson Gaworski said he did the same, talked with several residents there. He found one resident negative about the court. Councilperson Gaworski said that if at times they have problem they should call the Police for enforcement. He does not think the City should take away from the children who during the day play basketball.

Councilperson Megginson said he also went around the area three or four times and there occasionally were people who play basketball there. He talked with one resident who said his dog barks at the sound of a door and he has not had a problem. Councilperson Megginson said he would prefer the court stay there.

President Barthel said the City should make sure it is not a problem at night, he asked Police representatives at the meeting to make sure that it is not a problem.

2. Discussion of a No Smoking Ordinance proposed for a portion of Battery Park and for all other neighborhood City parks

Administrator Thomas said the City received a roughly \$10,000 grant, which originated from the federal stimulus funds but was received through the Lung Association. The grant is geared toward designating areas outside as no smoking. It is geared toward areas where there are concentrations of children. The plan is to restrict smoking in all of the City’s neighborhood parks and in Battery Park around the playground. She was provided with sample ordinance which Solicitor Losco has. The City would need to hold a public hearing to consider adopting an ordinance.

3. Discussion of a proposal to place a STOP sign on 8th Street at its intersection with Tremont Street in both directions.

Councilperson Megginson said he was approached by several residents of 8th Street. They feel the way the street is laid out it is one straight shot and a lot of people speed through.

4. Motion, Discussion and Vote on Resolution No. 2011-23, to Approve the Collective Bargaining Agreement Union Contract between the City and the Fraternal Order of Police.

Councilperson Cochran made a motion to approve the resolution. Councilperson Gaworski seconded the motion. The motion passed unanimously.

President Barthel thanked Administrator Thomas and said she did a good job and thanked Mr. Dempsey from the Police Department and other folks the City negotiated with. He said it was a civil, well-negotiated agreement.

5. Motion, Discussion and Vote on a Resolution to fill two full-time, regular positions of “Laborer” in the Public Works section of the Public Services Department.

Councilperson Petty made a motion to approve the resolution. Councilperson Gaworski seconded the motion. The motion passed unanimously.

6. Discussion of a proposal to change the City Code in accordance with the Housing Plan contained in the Comprehensive Plan.

Solicitor Losco said the proposal has its genesis in the Comprehensive Plan. It provides some guidelines in how it should read. One material change involved the City pre-selecting those areas of town that would be subjected to this redevelopment ordinance. Instead, it has an application process. It would allow an applicant to go to the Planning Commission for a recommendation and to Council for approval. One of the important things to be worked on, aside from creating objective criteria, is built-in protections for the surrounding development. It can't be out of character. It does provide some incentives.

7. Comments from the floor.

Beverly Ross said a few months ago, she, her husband and Mr. Whisman addressed Council regarding the dangerous intersection at Delaware and 7th streets. They reported that although there was a yellow curb on one side people still parked there. Also the width of 7th Street was not enough at its intersection with South River Plaza to have a safe flow of traffic. Council said it would announce and post a meeting for a Public Hearing. She asked two of the Councilpersons and they said Council discussed it further and decided a meeting was not necessary if they went ahead and painted the entire portion of the curbing from the intersection to Mr. Whisman's parking lot. She was satisfied with the solution and asked about signage. She was told it was not necessary because Police do not ticket cars in the yellow curbing area, cars get pulled away. She heard nothing more. Then her husband, David, told her his car was narrowly missed by car because of the blockage. She went to the area and saw how it was painted and it was different from what she was told by members of Council. No one told her of the change.

Mrs. Ross showed photos of safety hazard at the intersection.

She also showed photos of 9th Street and Washington Street where both sides of curbing are painted yellow. She asked why the City made it safer than on 7th Street at Delaware Street.

Council President Barthel said there was a meeting and Mrs. Ross was at the meeting in February when he said which meeting it would take place at. It also was posted. The matter was discussed. Some members of Council felt it was not a good idea to eliminate parking from the whole area. A decision was made to paint it up to the point where it is now. The curbs were painted in early April. The pictures show an enforcement issue. It is something that will be noted to Chief McDerby. It was also decided to put up signage.

Councilperson Megginson said the signs are now up.

David Ross asked whether the 7th Street was made one-way for safety reasons.

Council President Barthel said it was for a test. It is two separate issues. The Washington Street issue was brought to Council's attention by Councilperson Gaworski. It was one he felt needed the yellow line but it was not compared to the issue on 7th Street, which has been brought to Council numerous times.

A discussion was held about the Mr. Whisman sign.

A resident of Casmir Drive asked about the City Code related to firearms and whether it applies to items such rifles and bows and arrows. She referred to people shooting with those items behind Casmir Drive to the railroad tracks. There is hunting going on, a deer stand and targets on a tree and people are shooting. There are a lot of children walking on the tracks. She had an arrow that had been shot and landed on her property.

Administrator Thomas asked if she had reported this to the Police Department. She told the resident to call 911 when there is a problem.

The resident said she called one time. An officer came out and did not see anything. She has addressed it with the individuals involved several times.

Master Sgt. Torre said he would go out to the location after the meeting.

Bill Simpson, vice-chairman of the Planning Commission, said the Commission reserves the right to disagree with Mr. Heyman, particularly with his perception of the scope and the intent of the study being requested. The project was exactly what he had been thinking of for some time. The construction work that has been proposed is reconstruction of work done by the Delaware River and Bay Authority years ago. What has been proposed by the New Castle Historic Alliance is nothing more than replacing what has been there. It had been done to allow the Three Forts Ferry to dock there and also the Kalmar Nyckel to dock. He said he feels strongly about it from a safety aspect, in terms of rescues on the river, and also from a development aspect. It is a good project in his mind and in the minds of the Planning Commission which voted unanimously to approve it. One thing the funding will do is find out what is feasible there and get the answers to questions people of New Castle have. He said the ice breakers in the river are in very bad shape, which is no wonder since the last work was done on them in 1879. They were built in 1804. There is a lot of history down there.

Mr. Heyman, of 2nd Street, said he read the minutes of the Planning Commission and they are even looking to go after the Bull Hill wharf. If this overreaching project goes forward, New Castle will forever be transformed into something it has never been and something its citizens do not want: a highly gentrified, miniature Annapolis on the Delaware. As property taxes continue to

rise, more and more residents will be priced out of their own homes. Gentrification is common in nouveau-hip communities like the one planned by the New Castle Historic Alliance.

He read excerpts from a letter he said was written from Michael Christopher (Hemphill).

Mr. Heyman said, referring to the letter writer's suggestion of the State taking over Battery Park in the letter excerpt he read, he can't think of a more ludicrous idea, besides being an insult to the Trustees, City Council and City workers, he thinks our residents might be a little offended and annoyed by the letter writer's flippant attitude toward our town's most important treasure. Hands off Battery Park and don't even think about Bull Hill.

Marty Wright, of 7th Street, said two things he sees that will be most influential in terms of economic development in the City is the National Park Service and the waterfront. Historically the waterfront has been very important to the community and it can be a major influence on economic development. The Planning Commission was simply budgeting for a plan, no action. He supports that.

Michael Dorph said he was at the meeting a month ago and spoke about things going on in Shawtown. He said he does not understand why the park in Bull Hill looks so beautiful and Susi Park looks like it does. He was told it was because it was muddy. The mud has been gone for a while. The City passed an ordinance about the grass being a certain height, it looks like the City should be fined. He said the City wants to lay out \$40,000 for waterfront when it can't take care of its parks.

Councilperson Megginson said it is going to be taken care of. They just got an order for some more ground cover.

President Barthel said he wants to find out when the lawn was last mowed. He said Mr. Dorph makes a good valid point.

Gail Sietz, a member of the Historic New Castle Alliance, said she was not aware of the letter by Mr. Hemphill that Mr. Heyman referred to. She had been working on trying to gather information for the waterfront. The plans are not any more than what Mr. Heyman stated earlier: a dock for the Kalmar Nyckel, possibly having the Delaware River and Bay ferry stop and maybe a few stops for day boats. There was a meeting of key entities to get input. There seemed to be agreement to go forward with those kind of goals. Then they had State people come in and everyone seemed in agreement. The group did some legwork and had some engineering firms come in. They then had resident Hick Roland do some soundings to understand how the coastline has changed and it has silted in in a lot of areas. They started by looking at areas where New Castle historically had boats come in: Bull Hill, the old ferry dock, the marina across from the Read House, Delaware Street and the Sailing Club. The only place where you have (enough) water is the end of Delaware Street where there is an existing dock. She is aware of no overreaching goals to do anything beyond that. The Planning Commission is asking for funds to do a concept plan. At that point it would be put in front of citizens of New Castle and have a concept plan to go before the joint permitting meeting, which is DNREC and the Army Corps of Engineers and allow the group to seek funding for the efforts. They can get a concept plan for \$6,000. Other estimates are higher but that is because it includes some feasibility work.

Tom Whitehead, of Second Street, said he likes the idea of a conceptual plan. The Army Corps is a key player. The City has to be careful and make sure it includes the community. He said he

knows of no marina along the river because of the currents. Don't go out and spend \$40,000 now, get a conceptual plan and then get the people involved.

John Houben, W. 11 St., said that in the past there have been studies, proposals and referendums either on the Bull Hill area or the Battery. Eighty percent of the people opposed any commercial endeavors on the river from Bull Hill to Dobbinsville. One proposal involved a boat company that had permission to build a pier a hundred feet out into the Delaware River to accommodate tourist boats. People do not want this. It is a bedroom community.

President Barthel said the issue at hand is the whether the City Council should allocate funds for this to Planning Commission. Council has invited back the Police Department to re-evaluate its budget and other groups to come back in before Council. The Council will do the same thing with the Planning Commission. He invited those interested to attend the meetings on the budget, which are public meetings.

Karen Heyman requested that when Council considers the amount of money for the group going to do the study that it realizes there are many things that need attention: sidewalks need to be repaired, the Tree Commission needs money, small parks. Pouring a lot of money into this planning stage now seems inappropriate. There is underneath all this a plan to bring in more tourists to help businesses and tour ships. Lewes tried the same thing. There is going to be gasoline, oil issues. She asked that Council considers that.

Councilperson Megginson made a motion to adjourn the meeting. Councilperson Cochran seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Michael Dickinson
New Castle City Clerk